

## THE NEW FOREST.

*Extent and Divisions.*—The New Forest in Hampshire now contains about 91,000 acres, and is divided into three districts, each under the immediate charge of an assistant to the deputy surveyor, who, acting under the orders of the Commissioner of Woods, supervises and manages the whole.

The forest is situated to the south and south-west of Lyndhurst (about three miles from Lyndhurst Road railway station), where Mr. Cumberbatch, the deputy surveyor resides.

Of the total extent of 91,000 acres only some 2,000 is the absolute property of the Crown. As regards about 26,000 acres, the soil is the property of private landowners, whilst with regard to the remaining quantity of about 63,000 acres, the soil and freehold is the property of the Crown, which has also certain forestal rights and rights of enclosure and planting, subject to which numerous persons are entitled to and exercise certain rights which I propose to detail more fully in a special section devoted to their definition, and the steps which have been taken from time to time for their settlement or commutation.

*Nurseries.*—I visited an extensive nursery well stocked with young trees of all descriptions at Rinefield; it extends over 40 to 50 acres. There is another of smaller extent at Perry Hill, which I did not see, and there are several small ones in various parts of the forest, adjoining the places where planting is being, or about to be, carried on. Mr. Cumberbatch is in favour of transplanting for the last time into a nursery near the ground to be planted, and this would appear an excellent idea. In India, indeed, it is almost a necessity, as our young trees will not bear being carried any distance, in the plains at least.

Hitherto our planting in Madras, with the exception of the Nellambur teak planting, has been comparatively of small extent, but as the area of the plantations increases it will, I think, be found necessary to have similar subordinate nurseries, so that the trees to be put out may be ready at hand. The management of the nurseries differs in no way from that described in my Report on the Scotch forests, and the varieties reared are identical.

*Plantations.*—I visited eight plantations of dates subsequent to 1835, viz., Lady Cross, Whitley Ridge, Hawkshill Enclosure (where they were planting with the planting spade),

Rinefield Walks, Islands Thorns, Highland Water, Slufter, and King's Garn Gutter.

The plantation known as Islands Thorns extends over nearly 500 acres, and was planted with Scotch fir and larch as nurses in 1853, and with oak in 1857. Mr. Cumberbatch finds it an improvement to plant out the nurses a few years before the hard wood trees, in order that they may be established, and find the necessary shelter from the winds, which are often very high and cutting. This plan appears to answer well when applied with judgment; otherwise the nurses, on good soil, would have made such progress as to interfere injuriously with the growth of the hard wood trees.

The Highland Water plantation, with an area of 700 acres, was planted in 1869 and 1870. It is Scotch fir, and contains also a portion of some old wood planted in 1700. The growth of the fir is not rapid, but the trees look healthy, and there have been few casualties.

In the Slufter enclosure of 370 acres, the Scotch fir and oak, planted eight years ago, are doing very well, particularly in the lower portions of the plantation where the soil is of a tolerably good character.

King's Garn Gutter contains upwards of 300 acres, and has just been finished so far as the nurses are concerned. They are Scotch fir and larch, in lines eight feet apart and six feet in the rows. This is to be filled up with oak, which is now ready in the adjoining small nursery, on the system already described.

This land was formerly covered with a fine crop of oak, which was felled some years ago. The planting is done in the usual manner by day labourers under the superintendence of a foreman and the assistant.

There is a very fine arboretum at Bolderwood Rails, containing specimens of many varieties of *Pinaceæ*, such as *P. Douglasii*, *insignis*, *nobilis*, *Cupressus Lawsoniana*, &c., &c., and a large number of Deodars, which are doing very well on the higher and more exposed situations.

The trees are from 10 to 15 years out, and present a very healthy and pleasing appearance.

*Woods.*—I visited 10 different woods or enclosures of dates prior to 1835.

The oldest are known as Mark Ash, Burley, South and North Bentley, Salisbury, and Coppice of Linwood.

The Mark Ash old wood is principally composed of beech, of which there are magnificent specimens.

Burley contains a mixture of oak and beech, the former sown with acorns in 1700. One fine old tree, known as the Knight Wood Oak, is estimated to contain at least 13 loads, or 650 cubic feet of timber.

The South and North Bentley Woods contain a great proportion of the *sessiliflora* variety of oak, from acorns sown in 1700. The growth is considered fair throughout, but particularly good in the bottoms, which are sheltered from the prevailing winds.

The Coppice of Linwood contains what are known as "Pitt's plantations," so called from a Mr. Pitt, who was Surveyor General in 1775. These extend to nearly 300 acres, consisting of oak and beech, with clumps of Scotch fir, which appear to have been planted subsequently. The hard wood trees are very poor, having been planted out without nurses, and much too far apart. In the adjoining enclosure of Salisbury the trees are much better, owing to their having been planted much thicker.

Of the younger woods I would particularize Aldridge Hill (1818), an oak wood with a belt of self-sown Scotch fir round the outside. Holm Hill (1821), extending over 285 acres; a fine oak plantation, with trees in the hollows or low-lying plantations running from 30 to 40 feet in height.

Here I observed some fine larches, which had been felled, owing to the commencement of dry rot, to which this tree appears very liable in the New Forest.

The paths and rides in the forest are well maintained, but in many places it is impossible to secure a firm roadway, owing to the boggy nature of the soil; more draining will be required as more enclosures are made and plantations formed.

The total revenue derived in 1870-71 amounted to 12,034*l.*, and the expenditure to 7,790*l.*, leaving a balance of 4,244*l.* in favour of the forest.

*Fencing.*—Mr. Cumberbatch has adopted a very substantial and neat style of fencing, which I have not seen in use elsewhere. A ditch, 2 ft. 6 in. deep and 4 feet wide at top and 2 feet wide at bottom, is excavated, and the earth thrown up inside, forming a bank of similar dimensions. On the top of this stakes are driven firmly in at intervals of six feet, on which are nailed bands of hoop iron about one inch broad, which is procured in lengths of 12 feet at a cost of about 11*l.* per ton. There are either two or three rows, according to the situation, and the lengths finish on alter-

nate posts, so as to ensure greater stability; thus, of two rows, the end of one length and the centre of the other would be secured to each and every post. The hoop iron and posts are thickly coated with tar, and there is a great advantage in no straining being required as with ordinary wire fencing, compared with which it has also the advantage of being much stronger, as noted in my Report on the Scotch Forests in the section devoted to this subject. The average cost complete is found not to exceed 1s. per running yard, which appears very moderate when we consider the rates of labour, the strength and neatness of the fence, and its great durability. The iron may, of course, be said to last for ever, and on any enclosure being thrown open, as described further on, can be used again elsewhere.

### *Short History of the New Forest.*

I proceed to give a short history of the origin of this forest, with a description of the position of the Crown with regard to it, and of the principles by which its management has been controlled and guided. Such cannot fail to prove interesting and instructive to our officers, many of whom are now called on to deal with such subjects as rights of common, of pasturage, forestal rights of the Crown or people, &c., &c., for the first time. I must premise that I am much indebted to Mr. Cumberbatch for information on the subject, and particularly for his having kindly placed at my disposal for perusal three returns or reports on the subject, which deal with the whole matter *in extenso*, and copies of which I have since procured on payment. They are,—

- 1st. A return to an order of the honourable the House of Commons, dated 23d March 1863, containing a Statement on Royal Forests and Woodlands, ordered by the House of Commons to be printed on 24th April 1863, of which I have prepared an abstract to facilitate reference.
- 2nd. A return to an address of the House of Lords, dated 21st February 1868, containing copy of a Report on Royal Forests, ordered to be printed 10th March 1868. And,
- 3rd. A return to an order of the honourable the House of Commons, dated 16th June 1871, containing copy of a Report by the Hon. J. K. Howard, Commissioner of Woods, on the New Forest, ordered by the House of Commons to be printed 16th June 1871.

The above are parliamentary papers, and can be easily obtained.

I forward also an abstract statement of the extent of Royal Forests, &c.

The New Forest was afforested by William the Conqueror, and was at one time of much greater extent than it is now. It must not, however, be supposed, that there was therefore a greater quantity of timber, or extent of what we now understand by the word forest; on the contrary, I believe that it is all but indisputable, that there is now a greater stock or crop of useful timber, or what will eventually become useful timber, than at any former time. It cannot be too clearly borne in mind that the original meaning or signification of a forest in England was nothing more than a park for deer, a meaning which we still find attached to it in Scotland, where we have deer forests without a tree in them, so to speak.

The words "afforesting," and "disafforesting," are also apt to mislead an amateur or novice, and the latter has, I believe, been misunderstood by at least one of our forest officers, and treated as synonymous with disforestation, i.e., clearing or destruction of forests, or the trees which constitute the forest as we now understand the word, whereas, in reality, the disafforesting of the so-called Crown forests in this country is the first step towards their conservancy, as timber producing areas.

Disafforestation, in short, means a separation of the rights of the Crown and the commoners, and appears to be exactly what is required in Madras to put an end to any doubts as to the legal status of the forest department, or clashing betwixt the Government, through its officers, and the people or commoners. The arguments in favour of a disafforestation are stated clearly and forcibly at page 9 of Mr. Howard's report of 1871, and appear to be equally applicable to India. After alluding to the financial considerations resulting from the possession of forestal rights over a large extent not in the exclusive possession of the Crown, which "undoubtedly entails upon the Crown a large amount of unremunerative expenditure in management and supervision which would be saved if the Crown rights were commuted for an allotment in severalty," Mr. Howard proceeds to point out how much the value of the property or rights would be increased to each party by their being definitely separated and divided, and concludes, "But these

“ considerations are of scarcely so much importance as that  
 “ of the unsatisfactory position which the Crown occupies  
 “ with reference to those who have rights over the  
 “ forest, which rights are subject to the paramount rights  
 “ of the Crown, and the difficulty which is experienced,  
 “ under the existing arrangements, of guarding and en-  
 “ forcing the Crown rights, and of watching, controlling,  
 “ and regulating the conflicting and intermixed rights of  
 “ others, without creating ill-feeling, and exciting hostility  
 “ towards the Crown and its representatives.” •

• I proceed to state briefly the steps which have been taken towards “disafforestation” and commutation of common rights in the New Forest.

As stated under the section devoted to “Extent and Divisions,” the total area of the forest may be stated as 91,000 acres, but of this only 2,100 acres is freehold of the Crown, and even of this extent 668 acres are let to tenants, and a considerable portion occupied by the Queen’s house at Lyndhurst, lodges within the forest, &c., leaving the actual area of freehold forests or plantations, over which there are no common rights, as little more than 1,000 acres.

Again, 26,000 acres are the property of private landowners. On this point there is some little ambiguity or discrepancy in the reports alluded to. In No. 1 it is distinctly stated that “the Crown has no right to enclose or plant such land  
 “ or to keep deer thereon; both the soil and the timber  
 “ are the property of private landowners.” In No. 2, the 26,000 are described as “private property subject to the  
 “ forestal rights of the Crown;” and in the third and last report it is merely stated that “as regards about 26,000  
 “ acres of that quantity (the 91,000 total area), the soil is  
 “ the property of private landowners.” I shall not, therefore, attempt to describe or allude further to those 26,000 acres, and turn to the remaining 63,000 acres, of which the soil and freehold is the property of the Crown, in which the Crown has also certain forestal rights, and certain rights of enclosure and planting, under the authority of Acts of Parliament passed in 1698, 1803, and 1851, but in which, subject to these several rights, numerous persons are entitled to and exercise certain rights.

The forest, as already stated, was formed as a deer park by William the Conqueror, but certain of the neighbouring proprietors and their tenants appear always to have exercised certain rights or privileges within its limits.

These rights may be stated as,—

- 1st. Common of pasturage, to take, by the mouths of the commoners' cattle, so much pasturage as was left after providing food for the sovereign's deer.

But this right was hampered with an obligation on the part of the commoners to remove their cattle during "the fence month" (viz., from 20th June to 20th July) and "winter hayning" (viz., from 22d November to 4th May), in fact, for six months out of the twelve. Again, it must be borne in mind that the right of the Crown to keep an unlimited stock of deer was paramount to the right of the commoners, and that, if the number of deer were indefinitely increased, the commoners' right to pasturage during six months of the year would become virtually of no value.

- 2nd. Common of mast (feeding of pigs) from 25th September to 22d November.

- 3rd. Common of turbary (cutting turf), "to be exercised by the view and allowance of the foresters of the forest."

- 4th. Certain rights of fuel, and getting marl from the forest.

The first legislation which we find recorded on the subject is in the reign of William the Third, when Act 9 & 10 Will. 3. c. 36, afterwards called "the Act, 1698," was passed, empowering the inclosure of 2,000 acres, part of the waste lands in the New Forest, "as a nursery for wood and timber only," and further authorising the inclosing of 200 acres yearly for 20 years for a like purpose, and providing for all such inclosures being thrown open again whenever the trees were "past danger of browsing of deer, cattle, or other prejudice," and that, in lieu of so much as should be laid open, "a like quantity might be inclosed, and holden free of all manner of common herbage, pannage, or other rights, for so long a time as the same shall remain and continue inclosed, to be a nursery for timber only."

This Act and its working forms frequent subject of comment in a report of the Royal Commissioners, dated 22d July 1789, from which we learn that the powers vested in the Crown by it had not been exercised, and only 3,300 acres had ever actually been inclosed, whereas, if the 6,000 acres had been inclosed and planted during the first 20 years after the passing of the Act, and the enclosures thrown

open when the trees were at 20 years' growth, there would have been at the end of the 90 years which had elapsed when the Commissioners wrote, "at least 24,000 acres of land formerly bare which should now have been covered with trees."

In 1808, an Act, 48 Geo. 3. c. 72, was passed, "for the increase and preservation of timber in the New and Dean Forests," authorising the inclosing of 6,000 acres, including the portions already inclosed, and providing for portions being thrown open from time to time, and others inclosed in lieu thereof.

In 1819, an Act for enforcing the right of the Crown to exclude cattle during the winter season, or "hayning time," became law; and in the session of 1848, a Select Committee of the House of Commons was appointed, "to inquire into the management of the Crown property."

In 1849, a commission was appointed, of which Lord Portman, and Messrs. Dampier and Daly, barristers-at-law, were members, who reported in favour of the removal of the deer from the forest.

This Report, and the discussion which ensued, led to the introduction of "An Act to extinguish the right of the Crown to keep deer in the New Forest, and to give compensation in lieu of such right," which eventually became law, and is known as the Act of 1851. By it the Crown acquired the right, in compensation for that of keeping an unlimited number of deer, of inclosing 10,000 acres, for planting purposes, to be thrown open when the trees were sufficiently advanced to be out of harm's way, and portions of similar extent inclosed, and, in accordance with its provisions, the deer were removed, and inclosures amounting to about 5,000 acres have been made, or are in the course of being planted. To quote Mr. Howard again,—“The provisions of the Act of 1851 were and still are regarded by the officers of the Crown as in the nature of a statutory compact between the Crown and the commoners. It is considered that the commoners are bound by the Act, and that an alteration of its provisions cannot take place without the concurrence of the Crown.” Mr. Howard then proceeds to show that the conditions of the Act have not been fully carried out; that, so far as the commoners are concerned, they are in the full enjoyment of all, and more than all, the benefits secured to them by the Act. The deer have been removed, and each commoner's right investigated and entered in a register, but the Crown is not yet in possession of even the immediate compensation secured to it by



the Act, for it has only inclosed one half out of the 10,000 acres.

The difference betwixt the immediate and the full compensation, as pointed out by Mr. Howard, should not be lost sight of. The immediate compensation was the right to inclose 10,000 acres of the waste, the full compensation was, not only the right to inclose 10,000 acres, but the right to throw open such inclosures from time to time, and inclose and plant other portions of the waste of the forest in lieu thereof.

In 1854, Messrs. Matthews, Murton, and Menzies reported, in favour of inclosing the entire forest, and in 1868, consequent on petitions complaining of the mode in which the provisions of the Act of 1851 had been carried out, a Select Committee was appointed to inquire into the matter. They recommended "the employment of a commission for the purpose of allotting to the Crown certain portions of the forest in fee, freed of all common rights, and leaving the residue to the commoners, to deal with in such manner as they may think best."

A Bill to this effect was prepared and introduced into Parliament last session, but withdrawn, owing to the pressure of other business. Thus matters at present rest, on what cannot be considered a satisfactory footing; for, it would appear, that the more the commoners have yielded to them the more they ask for, and that the Crown, that is the nation, and public at large, are worsted, and do not secure the benefits agreed to from time to time in lieu of the concessions made.

Mr. Howard tells us that, of the 63,000 acres of which I have now been writing, "about one half consists of land of a good or tolerably good character, while the other half consists of sandy and heathy or boggy land of an inferior description."

About 5,000 acres are covered with old timber, about 8,500 acres by trees planted under the authority of the Acts of 1698 and 1808, in inclosures now thrown open according to the provisions of the Acts, and about 11,000 acres have been or are being planted in existing inclosures under the provisions of the Acts just referred to and that of 1851. This makes 24,500 acres out of the 63,000 covered with plantations or trees of various ages.

It cannot be too clearly borne in mind that the pasture is very much improved by the planting of trees. I have noticed this in the Report on Scotch Forests, and observed it again in the royal forests. The larch in particular has a wonder-

fully fertilizing effect. The shelter afforded by the trees must not either be lost sight of. One is indeed at a loss to conceive why the commoners do not see that it is vastly to their interests that land, almost valueless for any other purpose, should be enclosed, planted at the expense of the State, and thrown open again with the pasturage vastly improved, in fact in some instances created for their benefit, but such is the tenacity with which they resist any such temporary inclosures, or anything approaching to what they consider, rightly or wrongly, an infringement of their rights, that one ceases to wonder at the objections raised, under very similar circumstances, by the natives of India against measures of conservancy devised really and solely for their welfare and that of the community at large.

The rights of the commoners in the New Forest have been very carefully inquired into, and entered in a register, which forms a most valuable reference for the officer in charge. It includes about 860 proprietors and their tenants. Many of the rights are subject to a payment, generally of some nominal amount, failing which they remain in abeyance, and, I presume, are forfeited after a certain time has elapsed.

Mr. Howard states that for the last three years (prior to 1871) only 937 loads (about 46,850 cubic feet) of oak and beech timber have been felled annually, which is equivalent to about one load from every 67 acres. In order to satisfy the fuel rights of persons legally entitled to them, it is necessary to provide 389 loads of timber each year, and for that purpose to fell about 330 beech trees. I presume that this is over and above the 937 loads mentioned before.

There are four verderers of the forest, elected by the freeholders of the county of Hants, whose duty it is to stand between the Crown and the commoners, and adjust any differences which may arise. They represent the commoners, but are public servants, and, if I mistake not, receive some small salary or emoluments from the State. They hold periodical meetings in the Verderer's Court adjoining the Queen's House at Lyndhurst, but Mr. Cumberbatch informs me, have not, as a rule, many cases or disputes to consider and settle. In fact, it struck me not a little how much confidence and cheerful acquiescence was shown in the deputy surveyor and his decisions and orders by all classes of the community, and the apparently utter absence of that clashing of departments of which we see so much in India.

In addition to the Court of Verderers, there is a commission appointed under the Act of 1851 to set out the 10,000 acres of inclosures, and see that the other provisions

of the Act are duly carried into effect. This commission consists of 13 members, "of whom six are justices of the peace for the county, four are gentlemen possessing property in or near the forest, who have been elected by the freeholders of Hants to be verderers of the forest, and the remaining three are the two Commissioners of Woods and the Deputy Surveyor of the Forest."

Probably similar mixed commissions will eventually be constituted in India for similar purposes. Indeed they differ but slightly from those proposed in the bill recently introduced for the better management of our Indian forests.

I must now conclude this brief and imperfect description of the New Forest, and of the position of the Crown with respect to it, &c., &c., and again recommend to our officers a careful perusal of the reports and returns already mentioned, which clearly show the principles of management which have been adopted from time to time, and that our *confrères* in charge of the State forests in this country have enjoyed no immunity from the troubles, and, what one is apt to classify as vexatious opposition, which we meet with in India.

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### PARKHURST WOODS.

These woods, situated in the Isle of Wight, extend over about 1,200 acres, and are under the charge of Mr. Gulliver, as foreman or head forester, acting under the orders of Mr. Cumberbatch, the deputy surveyor, who has also charge of the Bere, Woolmer, and Alice Holt Forests.

The Parkhurst plantations are freehold of the Crown, and were commenced about the year 1814, under the authority of an Act of 1812, which applied also to other woods, and set forth that "it had become necessary to adopt measures for securing a more adequate supply of timber in the kingdom," and directed that the "inclosure to be made by the Crown under its authority should be made and reputed a nursery or nurseries for wood and timber only."

The soil is chiefly a cold stiff clay, with gravel on the hills, and is very badly suited for the growth of oak, with which it appears to have been originally planted for the most part. Some of the oak first planted on the upper and drier portions of the land is doing fairly, but elsewhere the growth is stunted, and the trees stag-headed and gnarled. The beech, chestnut, and stone pine exhibit also a fair growth, but the larch planted about 14 years ago is flourishing, and, in moderately good soil, the trees average